

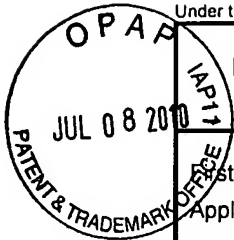
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PTO/SB/61 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

60566

First Named Inventor: Andrew Timothy Boam

Art Unit: 1623

Application Number: 10/539,202

Examiner: McIntosh III, Travis C.

Filed: January 26, 2009

Title:

Process for Purifying Oligonucleotide Synthons

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

- ☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(I)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Other than small entity – fee \$ 510.00 (37 CFR 1.17(I)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Amendment and Response to Office Action (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/08/2010 ECKUBH1 60500013 505119 10539202

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# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

### **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*Timothy E. Tinkler*  
Signature

July 6, 2010

Timothy E. Tinkler

Date

Typed or printed name

24,140

Registration Number, if applicable

7528 Auburn Road

440 357 3428

Address

Telephone Number

Concord, OH 44077

Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐

### **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

July 6, 2010

Date

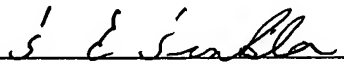
*Timothy E. Tinkler*  
Signature

Timothy E. Tinkler

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

 _____ Signature	July 6, 2010 _____ Date
Timothy E. Tinkler _____ Typed or printed name	24,140 _____ Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Office Action mailed November 10, 2009, was never received.

1. By a Notice mailed on Nov. 18, 2009, the USPTO accepted a Power of Attorney and change of correspondence address filed Nov. 4, 2009, in favor of the above. (copy attached)
2. Applicant's attorney has established the following system for recording receipt of documents, including Office Actions, at the correspondence address: (a) The attorney's assistant makes a pencil notation of receipt in the upper right corner of the document (example attached); (b) The assistant posts an e-mail Task Notice to the attorney's Microsoft Outlook Mailbox; (c) The assistant places the paper copy in the attorney's inbox, and (d) The attorney enters an action date, due date, case number and nature of the issue on his "To Do" list (copy attached).
3. A search of the Outlook Mailbox for the month of November, 2009 shows no Task Notice.
4. The attorney's "To Do" list shows no entry for an Office Action in Nov. 2009 for this case.
5. A search of the 10/539,202 application file, including other country files for the same case, did not locate the Office Action, but did produce the Notice regarding acceptance of the Power of Attorney.
6. The attorney points out that the Power of Attorney was mailed on November 18, 2009 and, while the PAIR reveals an Office Action dated November 10, the Notice of Abandonment mailed June 7, 2010 cites a failure to respond to an Office letter mailed November 18 (not the true date Office Action date of Nov. 10). This suggests that there may have been a confusion of the documents actually mailed.
7. Applicant also points out that the Office Action suggested allowable subject matter (subject to an amendment which is now being made in the enclosed reply). This would have provided strong incentive for Applicant to reply to the Action in a timely fashion, underscoring that the abandonment was truly unavoidable.

(Please attach additional sheets if additional space is needed.)